IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 65/2004

Rajesh Kumar, Central Jail,
Aguada, Bardez, Goa. ..... Petitioner.

V/s.

Superintendent, Central Jail,
Aguada and two others. ..... Respondents.

Mrs. Shanti Fonseca, Advocate under Legal Aid Scheme for the petitioner.

Ms. W. Coutinho, Public Prosecutor for the respondents.

CORAM : A.P. LAVANDE &
N.A. BRITTO, JJ.

DATE : 14th March, 2006.

P.C.

Heard Mrs. Shanti Fonseca, the learned Counsel on behalf the petitioner and Ms. W. Coutinho, the learned Public Prosecutor on behalf of the respondents.

2. The grievance of the petitioner is that he is HIV – Positive and that he apprehends that he may be a victim of the said disease. Further, it is his grievance that there are more persons like him who are bed-ridden and have to suffer under critical conditions. The petitioner has also stated that there are no medical facilities

available inside the jail premises and the prisoners who are even unable to walk, are sent for treatment to Goa Medical College, Bambolim or to the Primary Health Centre at Candolim. The petitioner states that the prescribed medicines are not available.

3. The Inspector General of Prisons, in his affidavit dated 10.2.05, has set out in para 8, the details of medication prescribed and provided to the petitioner from 24.11.04 till 1.2.05. The Inspector General of Prisons has denied that the petitioner and those like him do not get proper medication or the prescribed nourishment and has stated that whatever medication and nourishment is prescribed by the Government Doctors are provided to the petitioner and the others like him suffering from HIV-Positive. The Inspector General of Prisons has also stated that the prisoners including the petitioner are being taken care of properly and medical services are provided to them through a male nurse posted at the Central Jail, Aguada through, the Doctors of Primary Health Centre, Candolim who attend to the prisoners thrice a week, viz. Mondays, Wednesdays and Fridays and that the appointment of a Resident Medical Officer is under consideration of the Government. The Inspector General of Prisons has also stated in his affidavit that the petitioner is attending Goa Medical College as well as Goa Dental College and whatever treatment is prescribed to him is being provided to the petitioner.

4. In the light of what has been stated by the Inspector General of Prisons, we have no reasons not to accept it. We find that the petitioner and the others like him suffering from HIV-Positive are being adequately taken care of through the medical facilities available with the Primary Health Centre and the Goa Medical College.

In the light of the above, nothing survives in the petition and the petition is dismissed.

A.P. LAVANDE, J.

N.A. BRITTO, J.

ssm.